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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,210	02/14/2002	Raymond Ormachea	67,014-005	8588

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EXAMINER	
OMGBA, ESSAMA	
ART UNIT	**PAPER NUMBER**
3726	

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,210	ORMACHEA ET AL.	
	Examiner	Art Unit	
	Essama Omgba	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 22, it is not clear what is meant by "the biasing device being **passively released**". The examiner has interpreted this limitation to mean that the biasing device is operated solely by the means of an **input signal**.

In claim 21, line 3, "an end" should read --ends-- and "remains' should read --remain-- since each supports has an end.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 9 and 21, *as best understood by the examiner*, are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuta et al. (US Patent 5,586,377) in view of Applicant's Admitted Prior Art (AAPA).

With regards to claim 1, Katsuta et al. discloses a machine for assembling seats for use in vehicles that have a seat frame supporting a cushion covered by a finish fabric, the machine comprising a seat frame holder 30 having at least one clamping member that secures the seat frame in a chosen orientation, a plurality of fabric cover supports 20, 21 arranged to at least temporarily support the fabric cover in a position to receive the seat frame, a mover 31 that selectively causes movement of the seat frame holder, an alignment portion 10 having at least one alignment member 11 that is adapted to protrude through an opening 113 in the fabric and to be at least partially received within a receiver 102, 103 in the seat frame, the alignment member operating to align the opening and the receiver, the alignment portion being moveable independent of and relative to the seat frame holder, and a biasing device 15, 16 that biases the alignment portion toward the seat frame holder, the bias of the biasing device being overcome by the force of the mover moving the seat frame holder such that the alignment portion selectively moves with the seat frame holder, see column 7, lines 14-59 and column 10, lines 38-67. Although Katsuta et al. does not disclose the biasing device being passively released, however Applicant, at page 5, lines 8-14 of the specification to be known as AAPA, discloses that the biasing device used is "a pneumatic cylinder arrangement as known in the art". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a biasing device that is passively released in the machine of Katsuta et al., in light of the teachings of AAPA, in order to realize the benefits of using such known biasing devices.

For claim 2, see column 7, lines 21-26 and figure 1.

For claims 3 and 4, see column 7, lines 52-59.

For claims 7 and 8, see column 9, lines 18-31 and 64-67 and column 10, lines 1-67.

For claim 9, Applicant should note that the alignment portion of Katsuta et al. is capable of being selectively moved out of an operative position relative to the seat holder such that the alignment portion is not used for a seat assembly process since cylinders 15 and 16 allow the alignment portion to be moved upwardly and downwardly and cylinders 23 allow vertical movement of guide members 21, see column 7, lines 51-58, column 8, lines 5-21 and figures 5 and 6.

For claim 21, Applicant should note that Katsuta et al.'s machine includes a base 60 that remains a fixed distance from the floor. Although the distal ends of the supports of Katsuta et al. do not remain a fixed distance from the base, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that having the supports with ends distal from the base that remain a fixed distance from the base is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the supports with ends distal from the base that remain a fixed distance from the base versus supports with ends distal from the base that move upwardly and downwardly as disclosed by Katsuta et al. Furthermore having the supports moving upwardly and downwardly provides Katsuta et al.'s machine with more flexibility of use than Applicant's machine.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuta et al./AAPA as applied to claim 1 above, and further in view of Marforio (US Patent 4,066,027) or Morita (US Patent 5,365,827) or Mauriello (US Patent 5,688,216).

Katsuta et al./AAPA discloses a machine for assembling seats for use in a vehicles as shown above except for pressure regulators associated with the operation of the pneumatic cylinders. However it is known to use pressure regulators with pneumatic cylinders as attested by Marforio, column 3, lines 45-57 and column 6, lines 11-16 or Morita, column 4, lines 50-68 or Mauriello, column 2, lines 15-20. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used pressure regulators with the pneumatic cylinders of the machine of Katsuta et al./AAPA, in light of the teachings of Marforio or Morita or Mauriello, in order

to regulate the pressures of the different pneumatic cylinders and control the sequential operation of the pneumatic cylinders.

6. Claims 10-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuta et al.

With regards to claims 10 and 15, Katsuta et al discloses a machine for assembling seats for use in vehicles that have a seat frame supporting a cushion covered by a finish fabric, the machine comprising a base 60 that remains a fixed distance from a floor surface, a seat frame holder 30 having at least one clamping member that secures the seat frame in a chosen orientation, a plurality of fabric cover supports 20, 21 arranged to at least temporarily support the fabric cover in a position to receive the seat frame, a mover 31 that selectively causes movement of the seat frame holder, an alignment portion 10 having at least one alignment member 11 that is adapted to protrude through an opening 113 in the fabric and to be at least partially received within a receiver 102, 103 in the seat frame, the alignment member operating to align the opening and the receiver, the alignment portion being moveable independent of and relative to the seat frame holder, and a biasing device 15, 16 that biases the alignment portion toward the seat frame holder, the bias of the biasing device being overcome by the force of the mover moving the seat frame holder such that the alignment portion selectively moves with the seat frame holder, see column 7, lines 14-59 and column 10, lines 38-67. Although the distal ends of the supports of Katsuta et al. do not remain a fixed distance from the base, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that having the

supports with ends distal from the base that remain a fixed distance from the base is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the supports with ends distal from the base that remain a fixed distance from the base versus supports with ends distal from the base that move upwardly and downwardly as disclosed by Katsuta et al. Furthermore having the supports moving upwardly and downwardly provides Katsuta et al.'s machine with more flexibility of use than Applicant's machine.

For claims 11 and 12, see column 7, lines 18-31 and column 10, lines 16-59.

For claims 13 and 14, see column 7, lines 52-59.

For claim 18, see column 7, lines 21-26 and figure 1.

For claim 19, see column 7, lines 21-50.

For claim 20, Applicant should note that the alignment portion of Katsuta et al. is capable of being selectively moved out of an operative position relative to the seat holder such that the alignment portion is not used for a seat assembly process since cylinders 15 and 16 allow the alignment portion to be moved upwardly and downwardly and cylinders 23 allow vertical movement of guide members 21, see column 7, lines 51-58, column 8, lines 5-21 and figures 5 and 6.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuta et al. in view of Marforio or Morita or Mauriello.

Katsuta et al. discloses a machine for assembling seats for use in vehicles as shown above except for pressure regulators associated with the operation of the pneumatic cylinders. However it is known to use pressure regulators with pneumatic

cylinders as attested by Marforio, column 3, lines 45-57 and column 6, lines 11-16 or Morita, column 4, lines 50-68 or Mauriello, column 2, lines 15-20. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used pressure regulators with the pneumatic cylinders of the machine of Katsuta et al., in light of the teachings of Marforio, or Morita or Mauriello, in order to regulate the pressures of the different pneumatic cylinders and control the sequential operation of the pneumatic cylinders.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuta et al. in view of AAPA.

Katsuta et al. discloses a machine for assembling seats for use in vehicles as shown above except for the biasing device being passively released. However Applicant, at page 5, lines 8-14 of the specification to be known as AAPA, discloses that the biasing device used is "a pneumatic cylinder arrangement as known in the art". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a biasing device that is passively released in the machine of Katsuta et al., in light of the teachings of AAPA, in order to realize the benefits of using such known biasing devices.

Response to Arguments

9. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

10. The amendment to the specification filed on June 25 2003 has not been entered because it does not include a page number. Applicant is requested to resubmit the amendment including the appropriate page number and paragraphs to be amended.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (703) 305-2915. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

eo 90
January 31, 2004